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TO AMEMBASSY TAIPEI PRIORITY

INFO AMEMBASSY SEOUL PRIORITY

AMEMBASSY TOKYO PRIORITY

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E.O. 11652: N/A

TAGS: EFIS, TW

SUBJECT: US/REPUBLIC OF CHINA (ROC) FISHERY NEGOTIATIONS

REF: (A) TAIPEI 5042, (B) TAIPEI 5993, (C) STATE 179030

1. SUMMARY. DISCUSSIONS WITH ROC ON GOVERNING INTERNATIONAL FISHERY AGREEMENT (GIFA) CONCLUDED 15 SEPT WITH SIGNATURE OF COMPLETE ENGLISH VERSION. SPECIAL CONCERNS OF ROC WERE LARGELY ACCOMMODATED BY ADDITION OF AGREED
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MINUTES WITH MINIMAL DEPARTURE FROM DRAFT GIFA PROVIDED

EMBASSY IN STATE 179030. DISCUSSION GENERALLY CONCERNED US EXPLANATIONS OF VARIOUS ARTICLES RATHER THAN EXCHANGES OVER SUBSTANTIVE CHANGES. AGREEMENT ALSO CONTAINS SCIENTIFIC ANNEX DEVELOPED BY US AND ROC EFFORTS SETTING FORTH COMPREHENSIVE DATA COLLECTION AND REPORTING REQUIREMENTS. ROC HAS INDICATED CHINESE LANGUAGE VERSION WILL BE AVAILABLE FOR AUTHENTICATION AND SIGNATURE IN APPROXIMATELY ONE WEEK. END SUMMARY.

2. SEVERAL SUBSTANTIVE CHANGES IN AGREEMENT WERE INITIATE BY US DEL, INCLUDING ADDITIONAL ARTICLE ON TUNA ACCEPTED BY ROC. IN PROPOSING TUNA ARTICLE, US DEL EMPHASIZED PURPOSE WAS NOT TO REGULATE TUNA (WHICH IS SPECIFICALLY EXCLUDED FROM FISHERY CONSERVATION AND MANAGEMENT ACT OF

1976), BUT TO INSURE PROVISION OF SCIENTIFIC INFORMATION AND CATCH DATA FOR TUNA AND ASSOCIATED SPECIES (INCIDENTAL CATCHES). THERE IS AN ELEMENT OF RECIPROCITY IN ARTICLE, WHICH REFERS TO "MUTUAL EXCHANGE" OF SCIENTIFIC AND CATCH DATA. CLEARER OBLIGATION OF ROC TO MAKE SUCH DATA AVAILABLE TO US WAS PROVIDED BY ASSOCIATED AGREED MINUTE, NOTING THAT ROC WOULD "PROVIDE TO THE US GOVERNMENT STATISTICS ON TUNA AND RELATED CATCHES OFF THE COASTS OF THE US." BOTH ARTICLE AND AGREED MINUTE REFERENCE DESIRABILITY OF APPROPRIATE REGIONAL ARRANGEMENTS TO ASSURE CONSERVATION OF THE SPECIES.

3. US DESIRE FOR ADDITION OF TUNA ARTICLE WAS ANNOUNCED TO BOTH ROK AND GOJ DELS DURING RESPECTIVE GIFA TALKS, ALTHOUGH SPECIFIC LANGUAGE WAS NOT FORMULATED AT THAT TIME. LANGUAGE INCORPORATED IN ROC AGREEMENT WILL BE PROPOSED TO BOTH GOVERNMENTS AT APPROPRIATE TIME. SPECIFIC DATA TO BE PROVIDED ON TUNA ARE NOT CONTAINED IN SCIENTIFIC ANNEX (WHICH APPLIES ONLY TO SPECIES OVER WHICH THE UNITED STATES EXERCISES FISHERY MANAGEMENT AUTHORITY), BUT WILL BE PRESENTED LATER AS AIDE MEMOIRE.

4. US DEL ALSO PROPOSED MODIFICATION OF US DRAFT ARTICLE XIII REGARDING PORT CALLS. ARTICLE INITIALLY LIMITED OFFICIAL USE

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FORMULATED TO REFLECT SPECIAL NEEDS REGARDING SOVIET AND EAST EUROPEAN COUNTRIES ONLY, WHICH ARE NOT PERMITTED ACCESS TO US PORTS EXCEPT THROUGH SPECIFIC AGREEMENT WITH US. OTHER NATIONS ARE, AS A MATTER OF LONG STANDING PRACTICE, NOT DENIED ENTRANCE TO US PORTS FOR PURPOSES OF RESUPPLYING, REFUELING, REST, ETC. ACCORDINGLY, DRAFT ARTICLE XIII NOTING US INTENTION TO "UNDERTAKE TO AUTHORIZE" ROC VESSELS TO "ENTER

DESIGNATED PORTS" WOULD BE INAPPROPRIATE AND MISLEADING. HOWEVER, ROC WAS RELUCTANT TO DELETE REFERENCE TO PORT CALLS ENTIRELY, PERHAPS DUE TO FACT THAT THIS ARTICLE PROVIDES RARE INSTANCE IN AGREEMENT WHERE ROC APPEARS TO BE ON THE RECEIVING RATHER THAN THE GIVING END OR TO CONFUSION AS TO US REASON FOR INCLUDING IT IN ORIGINAL DRAFT. ACCORDINGLY, WHILE US DRAFT ARTICLE XIII DELETED, SIMPLE STATEMENT OF ROC RIGHTS WAS INCLUDED AS AGREED MINUTE, NOTING THAT "SUBJECT TO THE APPLICABLE LAWS AND REGULATIONS OF THE US", ROC FISHING VESSELS "COULD ENTER US PORTS FOR THE PURPOSE OF OBTAINING SUPPLIES AND SERVICES NORMALLY AVAILABLE IN THOSE PORTS."

5. INAPPROPRIATENESS OF DRAFT ARTICLE XIII ONLY NOTED BY US DEL DURING GIFA NEGOTIATIONS WITH GOJ IN MID-AUGUST AND DELETION WAS PROPOSED BY US. MODIFICATION OR DELETION WILL BE PROPOSED TO ROK THROUGH DIPLOMATIC CHANNELS.

6. ROC ORIGINALLY REQUESTED THAT DRAFT ARTICLE IV CONTAIN RECOGNITION TO ITS SPECIAL DEPENDENCE ON FISH. MORE DIFFICULT PROBLEM WAS PRESENTED BY THINLY VEILED REFERENCE TO MAINLAND CHINA ISSUE CONTAINED IN ROC PROPOSAL THAT "ECONOMIC DISLOCATION" PHRASE BE MODIFIED BY ATTRIBUTING ITS CAUSE TO 'A LOSS OF TRADITIONAL FISHING GROUNDS DUE TO JURISDICTIONAL CLAIMS BY THIRD COUNTRIES.' HOWEVER, BOTH ROC NEEDS WERE ACCOMMODATED BY AGREED MINUTE CONTAINING REQUEST BY ROC THAT WITH RESPECT TO ARTICLE IV, THE US CONSIDER THE DEPENDENCE OF THE ROC "UPON FISH AS A MAJOR SOURCE OF ANIMAL PROTEIN" AND "THE ECONOMIC DISLOCATION OF THE FISHING INDUSTRY OF THE ROC ARISING FROM LOSS OF TRADITIONAL FISHING GROUNDS ELSEWHERE."
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7. TWO ADDITIONAL REQUESTED CONSIDERATIONS INSERTED BY ROC IN AGREED MINUTE ARE REFERENCE TO PAST COOPERATION IN ENFORCEMENT AND ITS CONTRIBUTION "TO THE INTERNATIONAL SCIENTIFIC COMMUNITY IN THE FIELD OF FISHERY RESEARCH." DRAFT ARTICLE IV REMAINS IN BODY OF AGREEMENT WITH ONLY MINOR EDITORIAL CHANGE PROPOSED BY US DEL.

8. SURPRISING NO ONE, ROC EXPRESSED SOME DISMAY OVER REFERENCE TO CORPORAL PUNISHMENT IN DRAFT ARTICLE X. US DEL WENT THROUGH NOW FAMILIAR PRESENTATION NOTING THAT WHILE IT LOOKED FORWARD TO FUTURE AMENDMENT OF ACT TO PRECLUDE CORPORAL PUNISHMENT FOR FISHERIES VIOLATIONS, THIS WAS NOT SITUATION NOW, AND US DEL

COULD NOT GO BEYOND ASSURANCES CONTAINED IN ARTICLE X(3). AGREEMENT WAS REACHED ON MINIMIZING THE VISIBILITY OF REFERENCE TO CORPORAL PUNISHMENT BY DELETING ARTICLE X(3) FROM BODY OF AGREEMENT AND INCORPORATING SUBSTANCE IN AN AGREED MINUTE. US DEL RESISTED CONTINUED ROC EFFORTS TO DRAFT AGREED MINUTE IN MANNER THAT WOULD IMPLY USG ASSURANCE THAT CORPORAL PUNISHMENT WOULD NOT BE IMPOSED IN CASE OF FISHERY VIOLATIONS. ROC EVENTUALLY AGREED TO ADDITIONAL SENTENCE EXPRESSING ROC "APPRECIATION TO USG FOR ITS READINESS TO MAKE SUCH RECOMMENDATIONS."

9. AS ROC EMBASSY IN WASHINGTON ALSO RECEIVED COPY OF

US DRAFT GIFA FOR TRANSMISSION TO TAIPEI, ROC DEL WAS AWARE OF DRAFT ARTICLE XIV. DISCREPANCY WITH DRAFT PRESENTED BY US EMBASSY, DID NOT, HOWEVER, POSE A PROBLEM. ISSUE SET OUT IN REFTEL A WAS APPRECIATED BY BOTH SIDES. SOLUTION FOLLOWED THAT SUGGESTED BY EMBASSY IN REFTEL B IN ORDER TO AVOID INTERPRETATION THAT USG WAS ACKNOWLEDGING ROC JURISDICTION OVER WATERS IN DISPUTE WITH THE PRC IN EVENT THAT ROC ESTABLISHES A FISHERY CONSERVATION ZONE. AGREED LANGUAGE AS FOLLOWS:

"SHOULD THE GOVERNMENT OF THE UNITED STATES INDICATE TO THE GOVERNMENT OF THE REPUBLIC OF CHINA THAT LIMITED OFFICIAL USE

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NATIONALS AND VESSELS OF THE US WISH TO ENGAGE IN FISHING FOR LIVING RESOURCES OFF THE COASTS OF THE ROC, THE GOVERNMENT OF THE REPUBLIC OF CHINA WILL ALLOW SUCH FISHING ON THE BASIS OF RECIPROCITY AND ON TERMS NOT MORE RESTRICTIVE THAN THOSE ESTABLISHED IN ACCORDANCE WITH THIS AGREEMENT."

10. REMAINING CHANGES MINOR AND INCLUDE DELETION OF REFERENCE TO CONCLUSION OF LOS CONFERENCE IN G;FA ARTICLE XVI AND ADDITION OF APPROPRIATE REFERENCE TO SCIENTIFIC ANNEX IN GIFA ARTICLE XI. TEXT OF JOINT PRESS RELEASE AS FOLLOWS:

BEGIN TEXT: QUOTE. REPRESENTATIVES OF THE GOVERNMENTS OF THE REPUBLIC OF CHINA AND THE UNITED STATES SIGNED ON SEPTEMBER 15 AN AGREEMENT RELATING TO FISHING ACTIVITIES BY THE REPUBLIC OF CHINA OFF THE COASTS OF THE UNITED STATES, WHICH WILL COME INTO FORCE AFTER THE COMPLETION OF INTERNAL PROCEDURES BY BOTH GOVERNMENTS.

THE AGREEMENT SETS OUT THE PRINCIPLES AND ARRANGEMENTS WHICH WILL GOVERN FISHING BY NATIONALS AND VESSELS OF

THE REPUBLIC OF CHINA WITHIN THE FISHERY CONSERVATION
ZONE OF THE UNITED STATES BEGINNING MARCH 1, 1977.

THE HONORABLE JAMES C. H. SHEN, AMBASSADOR OF THE
REPUBLIC OF CHINA TO THE UNITED STATES SIGNED FOR THE
REPUBLIC OF CHINA. AMBASSADOR ROZANNE L. RIDGWAY,
DEPUTY ASSISTANT SECRETARY OF STATE FOR OCEANS AND
FISHERIES AFFAIRS, SIGNED FOR THE UNITED STATES.

AMBASSADOR SHEN AND AMBASSADOR RIDGWAY HEADED DELEGATIONS
WHICH BEGAN NEGOTIATING THE NEW AGREEMENT IN WASHINGTON,
D.C., SEPTEMBER 8. THE NEGOTIATIONS, HELD IN AN ATMOS-

PHERE OF FRIENDSHIP AND COOPERATION, WERE COMPLETED
SEPTEMBER 10. BOTH DELEGATIONS EXPRESSED THEIR SATIS-
FACTION WITH THE NEW ACCORD. END OF QUOTE.

11. FOR TAIPEI, TOKYO AND SEOUL. FULL TEXT OF AGREE-
MENT WILL FOLLOW VIA AIR POUCH. ROC HAS AGREED DOCUMENT
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